HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :30489 of 1998

Dated 14th March, 1998

Between

APSRTC, rep. By its Managing Director,
Mushirabad, Hyderabad

…Petitioner

and

State Transport Appellate Tribunal, AP, Hyderabad
Rep. By its Presiding Officer, and ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 30489 of 1998

ORDER:

In this Writ Petition, the Andhra Pradesh State Road Transport Corporation, through its Managing Director, questions the order dated 30-6-1998 passed by the State Transport Appellate Tribunal, AP, Hyderabad in AP.No. 696 of 1997.

The third respondent had applied to the Regional Transport Authority, Eluru, for grant of stage carriage permit on the town service route, from Palacole to Valluru (via) Penumadam, Gummuluru, Vaddiparru and Chinthalagaruvu. The said authority has rejected the application of the petitioner by recording a finding that the length of the rout is 15.9 Kms and the entire route in question is covered by the notified route, Utada-Kanchu Stambham Palem in G.O.Ms.No. 456/88,

dated 20-9-1988. In the said order, it was further stated that as per condition No.4 of the approved scheme, permits cannot be granted to the private operators on the approved routes if the overlapping distance exceeds 8 Kms. As against the said rejection, the third respondent carried the matter in appeal and the appellate authority allowed the appeal by setting aside the rejection order passed by the second respondent and directed the Secretary, Regional Transport Authority to issue stage carriage permit as town service as prayed by the third respondent subject to the permission of the Transport Commissioner under Rule 258 (2)(ii) of the Andhra Pradesh Motor Vehicles Rules, 1989.

The learned Standing Counsel appearing for the petitioner relied on the judgment of this Court in Writ Petition No. 5045 of 1999, dated 19-10-2005, which was rendered in similar such circumstances relying on the judgment of the Supreme Court in the case of *APSRTC Vs. State Transport Appellate Tribunal*[1] wherein, it was held that the permission of the Transport Commissioner contemplated in Rule 258 (2) of the Andhra Pradesh Motor Vehiclea Rules, 1989 has to be obtained before the application for permission is filed for a route covered by a scheme notified under the Act. In that view of the matter, the subject matter of the Writ petition is squarely covered by the judgments of the Surpeme Court and this Court referred above.

Following the judgments referred above, this Writ Petition is allowed and the order dated 30-6-1998 passed by the State Transport Appellate Tribunal, AP, Hyderabad in AP.No. 696 of 1997 is set aside. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 14-03-2007.
Msnr.

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[1] (1998) 7 SCC 353